

# ARBUCKLE TRIAL GETS UNDERWAY

(Continued from First Page.)

Dominguez—raced northward by automobile. They arrived in San Francisco Saturday night, September 19, and were met by detectives, who took Arbuckle to the Hall of Justice immediately.

Two hours later Arbuckle was in a cell charged with murder.

The case came before the grand jury, and that body refused to indict for murder, but returned an indictment for manslaughter.

District Attorney Matthew Brady, backed by Chief of Detectives Duncan Matheson, declared the charge should be murder. Bambina Maude Delmont swore to a murder complaint in police court, and District Attorney Brady elected to proceed under that charge.

The case was heard by Judge Sylvain Lazarus, District Attorney Brady presented a dozen witnesses, including Zey Pyvnon and Alice Blake, show girls, who attended the party and who testified that Arbuckle had been in room 1219 alone with Miss Rappe.

They told of finding her apparently in great pain and repeated her statement: "He hurt me. I am dying."

Medical testimony was introduced to show that death was due to a ruptured bladder, probably superinduced by violence.

And finally a chambermaid of the hotel testified that she had heard a woman's voice in 1219 cry: "No! No! Oh, my God!"

With this dramatic testimony the District Attorney closed his case without calling the prosecuting witness, Mrs. Delmont.

Judge Lazarus held Arbuckle to answer on a charge of manslaughter.

It was on this holding that the film comedian will go on trial today.

Failure of Frank Dominguez, then chief counsel, to force Mrs. Delmont to the stand cost him his position.

McNab Takes Case.

Two weeks later, at the urging of big film interests, Gavin McNab, leading Pacific Coast barrister, assumed charge of Arbuckle's defense.

McNab gained national fame when he won acquittal for Jack Dempsey, a heavyweight pugilistic champion, on a charge of elacism.

He also conducted the fight of Mary Pickford to prevent the State of Nevada from annulling her divorce decree from Owen Moore.

He has represented the motion-picture world in many important civil actions.

Associated with McNab in the defense is Charles H. Brennan, prominent

San Francisco attorney, and Milton Cohen, Arbuckle's personal counsel.

With the advent of McNab in the case the defense took on a different aspect.

"We must bring out the truth. The truth will clear my client."

This was McNab's initial statement. To this he added that the defense would take advantage of no technicalities, but welcomed an early trial that Arbuckle might be cleared.

The nature of the defense planned came to light when permission was asked to take depositions of witnesses outside the State.

It was revealed that the defense planned to show that Miss Rappe had suffered from bladder trouble since she was fourteen years of age and that on a previous occasion, when in great pain from the disease, she had torn off her clothing. It thus became evident that the defense expected to show the jury that the girl died from natural causes. This testimony from a Chicago nurse, Virginia Warren, and Mrs. Josephine Ross incidentally revealed that Miss Rappe had been in a delicate condition at the age of fourteen.

Attack Arbuckle Character.

McNab had announced that the character of Miss Rappe would not be attacked, but upon hearing of the intention of the defense to introduce this line of testimony District Attorney Brady intimated that he would launch a counter attack against the character of Arbuckle.

There is every indication that it will be a cleverly-fought legal battle. Some testimony will be omitted by both sides because of the issues it would open up. The State is not expected to place Bambina Maude Delmont on the stand, because the defense would be in position to savagely attack her testimony. On the other hand, the defense is expected to go lightly on such matters as the character of the dead girl because of the reprisals that would follow from the State.

Arbuckle is not expected to take the stand. He has spoken to no one except his attorneys of the events of the afternoon of Labor Day. Silence was enjoined on him and all of his friends the night of his arrest. It has been unbroken since. His attorneys have talked but little.

The State hopes the comedian will take the stand.

"But two people know what happened in that room," District Attorney Brady declared. "One of them is dead. We hope Roscoe Arbuckle, who alone can tell, will take the stand. We want the truth."

The charge against Arbuckle was the means of effecting a reconciliation between Arbuckle and his wife. They had been separated for five years, but immediately upon hearing of his arrest she came West from New York and has been his constant companion ever since.

Arbuckle spent almost three weeks in jail awaiting the disposition of the murder charge, which was unfavorable. Since being held for manslaughter he has been at liberty under \$5,000 bond.

Arbuckle went to his palatial Los Angeles home as soon as released on bond, but, with the appointment of Gavin McNab as chief counsel, returned to San Francisco, accompanied by his wife, in order that

he could be consulted frequently by the attorney.

Aside from the question of Arbuckle's future freedom being at stake in the trial which opens today, millions of dollars in picture interests hang in the balance. A half dozen recent feature films of the famous comedian were virtually withdrawn from circulation with the filing of charges against him. From three to five other pictures representing an investment of half a million dollars remain to be released. A conviction would probably mean their being junked.

The film interests believe that if an acquittal is secured Arbuckle will be more popular than ever. They feel the public will accept such a verdict as vindication and the screen comedian's antics with as great pleasure as before the case came up.

Arbuckle is known to hold the opinion that he will "come back" in the popularity of the public and has expressed to his friends his anxiety to "get back to work again."

Interest centered today in what attitude the defense will take toward women on the jury. The women's vigilante committee, composed of a representative from each woman's club of the city, took an active interest in his preliminary trial. A committee sat throughout the hearing. They were careful, however, to take no step that would bar them from

juror duty if called. They had the advice of Annette Adams, former Assistant Attorney-General of the United States, to guide them in this respect.

District Attorney Brady is known to favor women among the jurors. They are in the venire of jurors called for duty this week in Judge Louderback's court, where the case is to be tried, although they are outnumbered by men in the venire.

Neither side would predict today how long the trial would last. The State is expected to present its case in four days. How long the defense will take is problematical. The State will probably require at least a day for rebuttal testimony after the defense closes.

Veteran Prosecutors.

With District Attorney Brady at the State counsel table trying the case are Isadore M. Golden and Milton Uren, two of his most brilliant assistants. All three are veteran criminal lawyers. Brady was for years a police court judge. Although not a brilliant orator he is famed for the effectiveness of his jury appeals.

McNab likewise is famed for his ability to sway a jury. He is one of the oldest active attorneys of the local bar. In addition to his leadership as a barrister, he is head of the Democratic party in California and the far West. He is credited with having carried California for Wilson in 1916 and was high in the

## 'FATTY' ARBUCKLE AND VICTIM OF HIS PARTY



Roscoe Arbuckle and Virginia Rappe.

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councils of the Wilson administration.

Charles H. Brennan, a former newspaper man, one time assistant District Attorney and associate counsel in many of the great criminal cases of recent years, ranks high in the legal fraternity. Milton Cohen, a Los Angeles attorney, is known as one of the most astute students of law in the State, and carries much of the burden of the strictly legal side of the defense.

Prepare for Crowds.

Careful preparations have been made for handling the crowd that will attempt to attend the trial. Early today a special cordon of police took up stations in the corridors of the Hall of Justice. Judge Louderback has given strict orders that only the capacity of his court room be permitted to enter. Police have been instructed to prevent such scenes as occurred at the time of the preliminary trial, when hundreds of men and women fought in the corridors of the Hall of Justice for entrance to Judge Lazarus' court room.

Special seats were set aside for members of the women's vigilante committee, who have grudgingly declared their intention of seeing the case through to the end that they may be assured that "justice has been done."

Throughout the long wait between the preliminary trial and the court trial Zey Pyvnon and Alice Blake, the State star witnesses, have been kept in seclusion. They are understood to have rebelled bitterly against their virtual confinement at the home of an officer of the court.

Arbuckle on Trial in Court Famous For Noted Cases

By WILLIAM G. CAYCE, International News Service.

SAN FRANCISCO, Cal., Nov. 14.—When Roscoe ("Fatty") Arbuckle went on trial here today on a charge of manslaughter it was in a department number eleven, of supreme court, famous locally as a scene of big trials.

It was department eleven that the internationally noted bomb cases of Tom Mooney, his wife, Rena Mooney, and Warren K. Billings were tried in 1916. Both Tom Mooney and Billings are now serving life sentences, while Rena Mooney was acquitted. Another case of importance locally to be heard in this department was that of "Pete" McDonough over a year ago on a charge of perjury, an outcropping of an expose of corruption in the police courts. During these famous trials Judge Franklin A. Griffin presided.

Judge Harold Louderback will hear Arbuckle's case. He is practically a new face on the bench, having been there less than a year. He was chosen at the last general election. Before aspiring to the police court bench Judge Louderback was considered one of San Francisco's best attorneys and authorities on law. He is middle aged. The Arbuckle case is the first case of any magnitude Judge Louderback has ever heard.

The courtroom is of moderate size, with a seating capacity for approximately 200 persons, and occupies a commanding position on the third floor of San Francisco's hall of justice. On the north side of the courtroom are three large, high windows which open onto Washington street—avenue that runs from the Ferry Building up through the commercial district and into Chinatown.

Space inside the railing, where are the tables for attorneys for the State and defense, is limited, and every inch is used. In order to give more room the prisoners' dock was removed in advance. The removal of the dock is something that has never been done before, according to W. S. Shier, who has been clerk of the department for over ten years.

The unusually large crowd which prevailed at the preliminary hearing of Arbuckle was on hand again today. Chief of Police Daniel O'Brien had placed a cordon of policemen on guard to cope with the situation, and after the room was filled, which was long before the trial started, none was permitted to enter the third floor unless there on business.

BIRTH CONTROL SPEAKERS SET FREE BY COURT

Two Arrested in New York When Police Break Up Meeting, Ending Conference.

NEW YORK, Nov. 14.—Mrs. Margaret Sanger, leader in the birth control movement, and Miss Mary Winsor, of Haverford, Pa., were discharged in West Side court here today when witnesses failed to justify charges of disorderly conduct brought against the following charges of disorderly conduct brought against them following breaking up of a birth-control meeting in the town hall, here, last night.

Both Mrs. Sanger and Miss Winsor declared they intended to fight for the right to hold meetings to discuss birth control. Mrs. Sanger said she considered her arrest a violation of her rights as an American citizen. Prominent society women were in court when the two leaders of birth control advocates were arraigned.

No explanation was forthcoming from police as to why they had interfered with the meeting, which ended in a tumult when police jumped on the speakers and prevented Mrs. Sanger from addressing an audience of more than 1,000 persons.

Shouts from the crowd urged Mrs. Sanger to speak in defiance of police, but reserves were called, and both Mrs. Sanger and Miss Winsor, the latter one of the most active in urging defiance of the police, were arrested.

A large crowd jeered and hooted as the women were taken to the police station.

The meeting was to have been the last of several held by the First American Birth Control Conference, which met in the Hotel Plaza Friday and Saturday.

Raise \$1 Bills.

INDIANAPOLIS, Nov. 14.—William Harless, farmer, who cannot read or write, arrested at Lafayette for raising \$1 bills to tens, was sentenced to four years.

Prices realized on Swift & Company sales of carcass beef in Washington, D. C., for week ending Saturday, November 12, 1921, on shipments sold out, ranged from 7.54 to 14.50 cents per pound and averaged 1.30 cents per pound—Adv.

## IRENE CASTLE IS BACK WITH NEW FAD AND DANCES

Declares "Chicago," Toddle, and Shimmy Are Absurd. Would Popularize Waltz.

NEW YORK, Nov. 14.—Irene Castle has come back to Broadway with some new dance steps. More lithe and boyishly slim than ever, with her hair still in bobbed curls, Miss Castle will introduce the very latest dance steps in a five weeks engagement at the Knickerbocker grill tonight.

Just as she introduced the Castle clip style of coiffure, she now brings a new fad to New York. At a rehearsal yesterday Miss Castle wore on her left ankle a bracelet studded with diamonds under a pair of dark blue sheer stockings. The anklet gleamed in the spotlight as she glided about on the shiny floor of the Knickerbocker grill room.

Miss Castle has come back to dance before the public because she loves to dance. Her desire is to reintroduce the old-fashioned waltz. Miss Castle said:

"The 'Chicago,' the 'shimmy' and the 'toddle' are absurd. People look ridiculous doing them. The waltz is the most beautiful step of any and I am going to try to get New York to adopt it. It is far more graceful than shimmying—which I really think is vulgar."

Captain Robert E. Treman, Jr., her husband, was with her yesterday at the rehearsal. Although Miss Castle had retired from dancing at the time of her marriage in 1918 to wealthy "Bob" Treman, he said:

"I am not adverse to Irene's returning to the stage. She loves to dance and I shall never stand in the way of anything that will make her happy."

A gliding waltz step half way down the dance floor, a backward hesitation, slide and turn characterizes Miss Castle's newest steps.

William Reardon, who has been with Miss Castle since she was a dancing partner. After Christmas Miss Castle will go on a six weeks' vaudeville tour and then go abroad for a time.

## DEATH PENALTY BELIEVED SURE FOR BLUEBEARD

Chain of Evidence Slowly Tightening—Accused May Offer Plea of Insanity.

By International News Service.

PARIS, Nov. 14.—So strongly has the chain of circumstantial evidence been woven around Henri Landru, alleged Bluebeard, that it was believed today that his escape from the death penalty through any plea of insanity had been made virtually impossible.

The air of indifference which Landru, accused of murdering ten women and a boy, maintained early in the trial, has given way before the cross-questioning of the presiding judge, whose pointed accusations have

frequently upset the defendant's poise.

Defense counsel has circulated reports that Landru harbors hallucinations that the women of the world have focused their attention on his destiny.

Landru today exhibited none of his customary polite bravado. In response to questions regarding a Madame Heon, one of his alleged victims, Landru said he had hardly known her and would not recognize her photograph.

Landru vigorously denied that he bought a new stove for his "Villa of Mystery" in which to incinerate the bodies of his victims. He maintained that the severity of the weather was the cause of his purchase.

It is believed that the trial will continue for another two weeks.

Landru's appearance at the end of the first week of questioning was that of a weary man. It was evident he had made an unfavorable impression on the jury.

Japanese Reds Arrested.

OSAKA, Japan, Nov. 14.—A large number of Socialists have been arrested here on charges that they are connected with widespread agitation in the leading cities of Japan.

Before buying high-priced complexion creams—

Use Lifebuoy ONE WEEK

Then see what your mirror tells you.

The famous RED cake.



## I. C. C. DEFENDED FOR ITS STAND ON RATE FIXING

Way Transportation Act Was Administered Saved Roads, Senate Committee Is Told.

By International News Service.

The Interstate Commerce Commission was defended today against charges of usurping its authority in administering the transportation act, when representatives of the railroads appeared before the Senate Interstate Commerce Committee to oppose a restoration of intrastate rate-making powers to the States.

"The commission has neither overstepped the bounds of authority conferred by the act, nor has it proceeded in a high-handed manner," the committee was told by Fred H. Wood, general attorney and commerce counsel for the Southern Pacific railroad.

It was the opening testimony of a concerted drive begun before the committee by representatives of the railroads, to combat testimony of representatives of State commissions to the effect that the Interstate Commerce Commission had seized unlawful control over rates within states and had established unjust rates.

"The Interstate Commerce Commission had to read the act as a whole, and its rulings were in accord with the intent of the law."

"Evidence was carefully examined before the new rates were established," he continued.

He said the administration of the act by the Federal Commission had saved the railroads from financial disaster.

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To 1/2-lb. of brown sugar add 1/2-cup of water and boil fifteen minutes. Then add 4 ounces of DR. SCHINDLER'S Peanut Butter. Boil all about ten minutes until thoroughly dissolved. Stir continually. Pour into an oiled pan, let stand thirty minutes, and cut as desired.

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